REMARKS/ARGUMENTS

The Office Action Summary Sheet and the text of the first action rejection state that claims 1-11 are pending in this application. However, when this application was filed in the United States on February 23, 2000, 13 claims were actually pending in the PCT application and indeed those 13 claims were pending in the U.S. application. It is noted that even when the PCT application was published on August 17, 2000, almost six months after the filing of the U.S. application, the original 13 claims remained. Finally, the Official US PTO Filing Receipt indicates that 13 claims are present in this application as filed and no claims have been cancelled in the interim. Yet only claims 1-11, apparently forwarded by the EPO and entered by the PCT clerk's office , are pending and have been examined.

Entry of the Amendment under Rule 116

Entry of this amendment under the provisions of Rule 116 is respectfully requested. The above facts are confirmed by the Decision on Petition (the "Decision") mailed August 11, 2003. As noted in the Decision, "applicant will be permitted after Final Rejection to insert the original claims as a matter of right for the purpose of appeal." Applicant has cancelled examined claims 1-11, and inserted claims 1-13 (renumbered as claims 12-24) for the purpose of Appeal. The claims have been modified to remove multiple dependencies but are not broader in scope than the originally filed claims 1-13. Therefore, entry under Rule 116 for the purpose of Appeal is requested.

Response to rejection of claims 1-11 to the extent they are applicable to pending claims 12-24.

Claims 5-11 stand objected to as being in improper form. Claims 5-11 as originally filed and as currently present in the application (renumbered as claims 16-22) are all singly dependent and therefore are entitled to examination on the merits and the same is respectfully requested.

Claims 1, 2 and 4 stand rejected under 35 USC §102(b) as anticipated or under 35 USC §103 as obvious over Vane (U.S. Patent 5,055,242). The Examiner correctly points out that Vane teaches a pultrusion operation in Figure 3. However, Vane also teaches a bulk molding operation shown in Figure 1 and the Examiner suggests that the utilization of patches 3a and 4a in Figure 1 would be readily applicable to the pultrusion method shown in Figure 3.

Those having ordinary skill in the art will be clearly aware that patches of fiber reinforcing material, which shown being utilized in a molding system in Vane's Figure 1, could not be used in a pultrusion system. Therefore, one would not use the patches 3a and 4a of Figure 1 in the pultrusion method of Figure 3 as discussed in the Vane reference.

It is noted that applicant's independent claim 1 specifies "incorporating in the reinforcing fibers **prior to the pultrusion step** additional fibers in order to vary the strength characteristics of the final product substantially without altering the cross-sectional area thereof" (emphasis added). The incorporation of patches 3a and 4a "prior to the pultrusion step" in Figure 3 of Vane would result in severe distortion and most

probably clogging of the pultrusion dye. Therefore, modifying the Vane reference by applying the use of patches shown in the molding step of Figure 1 prior to the pultrusion process of Figure 3 is simply not possible.

The Examiner admits that Vane "failed to state that the additional reinforcements 3a, 4a would have been provided from a fiber material different from the fiber material of the other plies in the composite." This admission is very much appreciated. However, the subsequent indication that one skilled in the art would have understood that fibers of a different type "would have been provided in different regions of the finished assembly" does not suggest that applicant's invention of adding reinforcing fibers prior to a pultrusion step would be obvious.

Because Vane teaches both the addition of fibers (in the form of patches 3a and 4a) to a molded article and, in different embodiment, a pultrusion process, does not mean that there is any disclosure or there is any reason why one of ordinary skill in the art would try adding additional fibers from the molding step in Figure 1 to a pultrusion process in Figure 3.

Applicant is the first inventor to realize and indeed the first to reduce to practice the idea of adding reinforcing fibers prior to a pultrusion step so as to vary the strength characteristics of the final product (made by the pultrusion process) without altering the cross-sectional area thereof. Thus, applicant's claim 1 and claims dependent thereon clearly distinguish over the Vane reference and any further objection or rejection thereto is respectfully traversed.

The Examiner also rejects claims 1, 2 and 4 under 35 USC §103 as being unpatentable over Vane in view of any one of Kalnin, Durand or Gorthala. Inasmuch as claims 1, 2 and 4 are previously discussed with respect to the Vane reference and Vane is replied upon in this rejection, the above comments distinguishing over the Vane reference are herein incorporated by reference.

Claim 3 stands rejected under 35 USC §103 as unpatentable over the references cited in paragraph 6, i.e. Vane/Kalnin/Durand/Gorthala, further taken with any one of Yokota or Street. Inasmuch as claim 3 ultimately depends from claim 1, the comments regarding the rejection of claims 1, 2 and 4 over Vane by itself or Vane in combination with Kalnin/Durand/Gorthala is herein incorporated by reference.

Applicant's review of all prior art cited in this case does not indicate any reference which contains any suggestion or teaching for adding reinforcing fibers prior to a pultrusion step, whether those reinforcing fibers are in the form of a patch or are in the form of additional fibers in the longitudinal sequence of fibers being pultruded. Should the Examiner believe there to be **any** disclosure in **any** cited reference of the addition of fibers "prior to the pultrusion step," he is respectfully requested to point out that portion of the prior art reference. In the absence of any clear teaching, allowance of the claims is believed appropriate.

Having responded to the extent possible, pending claims 12-24 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one

or more of the claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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11/5/03
Date